

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRY BENNETT,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Civil Action No. 11-1077

Judge Joy Flowers Conti

Magistrate Judge Lisa Pupo Lenihan

ORDER

AND NOW, this 17th day of July, 2012, after Plaintiff, Harry Bennett, filed an action in the above-captioned case seeking review of the Social Security Commissioner's final determination disallowing claims for Supplemental Security Income and Disability Insurance Benefits, and after cross-motions for summary judgment were submitted by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and there being no objections filed by the Commissioner of Social Security or Plaintiff, and upon independent review of the motions and the record, and upon consideration of the magistrate judge's Report and Recommendation,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 11) is granted, in part, and denied, in part.

IT IS FURTHER ORDERED that the Commissioner of Social Security's Motion for Summary Judgment (ECF No. 13) is **DENIED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security be vacated and remanded for further proceedings not inconsistent with the Magistrate Judge's Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 15) is adopted as the opinion of this Court.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge